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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

7 UNITED STATES OF AMERICA, )  
8 Plaintiff, ) Case No. CR95-854-RAJ  
9 v. ) **PROPOSED FINDINGS OF**  
10 ERIC P. NELSON, ) **FACT AND DETERMINATION**  
11 Defendant. ) **AS TO ALLEGED**  
 ) **VIOLATIONS OF**  
 ) **SUPERVISED RELEASE**  
 )

12  
13 INTRODUCTION

14 I conducted a hearing on alleged violations of supervised release in this case on March 23,  
15 2009. The defendant appeared pursuant to a summons issued in this case. The United States  
16 was represented by Adam Cornell, and defendant was represented by Bruce D. Erickson. Also  
17 present was U.S. Probation Officer Thomas J. Fitzgerald. The proceedings were digitally  
18 recorded.

19 CONVICTION AND SENTENCE

20 Defendant was sentenced on December 13, 1996 by the Honorable Barbara J. Rothstein to  
21 Unlawful Possession of a Firearm. He received 180 months imprisonment and 5 years of  
22 supervised release. On January 20, 2009, the Probation Department submitted a report that  
23 defendant had consumed cocaine. The Court took no action and the defendant was referred for a

PROPOSED FINDINGS OF FACT AND  
DETERMINATION AS TO VIOLATIONS OF  
SUPERVISED RELEASE -1

1 drug evaluation.

2 PRESENTLY ALLEGED VIOLATIONS AND  
3 DEFENDANT'S ADMISSION OF THE VIOLATION

4 In a petition dated February 10, 2009, Supervising U.S. Probation Officer Thomas J.  
5 Fitzgerald alleged that defendant violated the following conditions of supervised release:

- 6 1. Consuming cocaine on or before January 5, and 9, 2009, in violation of the  
7 mandatory condition of supervised release that he not use any controlled substances.
- 8 2. Distributing cocaine on or before January 29 and February 2 and 6, 2009, in violation  
9 of the mandatory condition of supervised release that not commit another federal, state, and/or  
10 local crime.
- 11 3. Possessing cocaine on or before January 29 and February 2 and 6, 2009, in violation  
12 of the mandatory condition of supervised release that no commit another federal, state, and/or  
13 local crime.

14 Defendant admitted the above violations, waived any hearing as to whether they occurred,  
15 and was informed the matter would be set for a disposition hearing April 3, 2009 at 9:00 a.m.  
16 before District Judge Richard A. Jones.

17 RECOMMENDED FINDINGS AND CONCLUSIONS

18 Based upon the foregoing, I recommend the court find that defendant has violated the  
19 conditions of his supervised release as alleged above, and conduct a disposition hearing.

20 DATED this 23<sup>rd</sup> day of March, 2009.

21 

22 BRIAN A. TSUCHIDA  
23 United States Magistrate Judge